



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,174	01/07/2002	Wolfgang Gunter Ruckmann	WI.1578PCT-US	1591

7590 07/30/2004
Douglas R Hanscom
Jones Tullar & Cooper
PO Box 2266
Eads Station
Arlington, VA 22202

EXAMINER

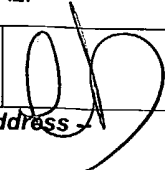
HARAN, JOHN T

ART UNIT	PAPER NUMBER
----------	--------------

1733

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/926,174	Applicant(s) RUCKMANN ET AL.	
	Examiner John T. Haran	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Translation DE 2754179</u> |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/16/04 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sillen (CH 342241) in view of Pflaum (DE 2754179).

Sillen discloses a method for drawing paper webs through a longitudinal folding device wherein a plurality of continuous paper webs are provided to a draw in device (17) which is a carrier with a plurality of pins (19) that act as paper web holding devices. The draw in device then carries the paper webs through the folding device such that the paper webs are folded along back rail (5) by guide bars (8) (See Figures 1-4 and English translation pages 4-5). It is clear from the Figure 1 that the draw in device (17) starts before and extends through the longitudinal folding device (5, 8) and that the pins

(19) fasten the plurality of paper webs to each other forming a web train before entering the longitudinal folding hopper as well as securing the paper web train to the draw in device. It is also clear from Figure 1 that the pins (19) are removed from the paper train at the end of the longitudinal folding device (5, 8) (after draw in) so that the paper web train is separated from the draw in device (17) and that the paper webs of the train are also separated from each other since they are no longer fastened together by the pins (19).

It is noted that Sillen does not teach using a longitudinal folding hopper as the longitudinal folding device but rather a back rail (5) with a series guide bars (8) that press the paper web against the back rail to fold it. It is well known and conventional in the art to use longitudinal folding hopper for longitudinal folding devices, as shown for example in Pflaum (See Figures 2 and 4). The longitudinal folding devices of Pflaum and Sillen are taken as being alternate expedients and functional equivalent obvious over one another. It would have been obvious to one of ordinary skill in the art to use a longitudinal folding hopper as the folding device in the method of Sillen.

It is also noted that as currently worded it appears the claim reads on the paper web holding devices both fastening the paper webs together to form a train and holding the paper web train to the draw in device. However it would have been obvious to have an additional fastening device for fastening the paper webs into a paper train, such as an electrostatic charge to fasten the edges of the webs together to avoid wrinkling of the free edges prior to entry into the longitudinal folding device in the method of Sillen, as suggested in Pflaum (See Figures and English Translation page 12).

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sillen (CH 342241) in view of Pflaum (DE 2754179), as applied above to claim 33, further in view of Michalik et al (U.S. Patent 5,503,379).

Sillen is relied upon for the teachings noted above and is silent towards joining paper web starts to previously drawn in paper webs to form a paper web train. However, such is well known and conventional in the paper draw in art, as shown for example in Michalik et al (See Figure 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate conventional practices, such as connecting paper web starts to already drawn in paper webs to form a paper web train, in the method of Sillen, as modified above, as suggested in Michalik et al.

Response to Arguments

Applicant's arguments with respect to claims 33 and 34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John T. Haran** whose telephone number is **(571) 272-1217**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone

Art Unit: 1733

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John T. Haran
Examiner
Art Unit 1733